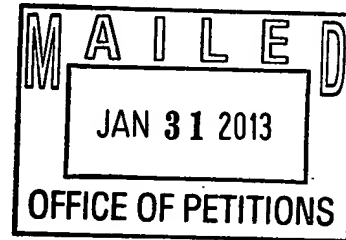




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LEMAIRE PATENT LAW FIRM, P.L.L.C.
P.O. BOX 1818
BURNSVILLE MN 55337



In re Patent No. 6,159,166
Issued: December 12, 2000
Application No. 09/045,018
Filed: March 20, 1998
Attorney Docket No. 120.00010US1

This is regarding the communication filed January 7, 2013, which is being treated as a petition under 37 CFR 1.377 to accept and record a timely maintenance fee payment for the above-identified patent.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.377." This is not final agency action within the meaning of 5 U.S.C. § 704.

The record reflects that that the 11.5 year maintenance fee for the above-cited patent could have been paid between December 12, 2011, through June 12, 2012, and with a surcharge from June 13, 2012, until midnight December 12, 2012. The maintenance fee was not noted as being received in the UPSTO and the patent expired on at midnight on December 12, 2012.

The communication notes that an attempt was made to pay the maintenance fee on December 11, 2012, however there was purportedly a failure with the Office's credit card authorization system on that date. In such as case, the appropriate remedy should be sought under 37 CFR 1.377, which provides:

- (a) Any patentee who is dissatisfied with the refusal of the Patent and Trademark Office to accept and record a maintenance fee which was filed prior to the expiration of the patent may petition the Director to accept and record the maintenance fee.
- (b) Any petition under this section must be filed within two months of the action complained of, or within such other time as may be set in the action complained of, and must be accompanied by the fee set forth in § 1.17(g). The petition may include a request that the petition fee be refunded if the refusal to accept and record the maintenance fee is determined to result from an error by the Patent and Trademark Office.
- (c) Any petition filed under this section must comply with the requirements of § 1.181(b) and must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest.

In re Patent No. 6,159,166

Additionally, the petition under 37 CFR 1.377 must be signed by an appropriate party, which under 37 CFR 1.33, would be either: all of the named inventors, the assignee empowered to act under 37 CFR 3.73(c), or a registered patent agent. The petition under 37 CFR 1.377 must be signed by one of these parties.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
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Office of Petitions

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